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## U.S. Department of State

### Singapore Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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#### SINGAPORE

Singapore, a city-state of 3.6 million people, is a parliamentary republic in which politics is dominated by the People's Action Party (PAP), which has held power since Singapore gained autonomy from the United Kingdom in 1959. Following January 2 parliamentary elections, the PAP holds 81 of the Parliament's 83 elected seats. Goh Chok Tong completed his seventh year as Prime Minister. Lee Kuan Yew, who served as Prime Minister from independence in 1965 until 1990, remains active politically, holding the title of Senior Minister. The majority of the population is ethnic Chinese (77 percent), with Malays and Indians constituting substantial minorities. The judiciary is efficient and constitutionally independent. However, there is a perception it reflects the views of the executive in politically sensitive cases.

The Government maintains active internal security and military forces to counter perceived threats to the nation's security. It has frequently used security legislation to control a broad range of activity. The Internal Security Department (ISD) is responsible for enforcement of the Internal Security Act (ISA), including its provisions for detention without trial.

Singapore has an open free market economic system. The construction and financial services industries and manufacturing of computer-related components are key sectors of the economy, which has achieved remarkably steady growth since independence. Gross domestic product rose approximately 7.5 percent in 1997, and the annual per capita gross domestic product is approximately \$26,000. Wealth is distributed relatively equally in what is essentially a full-employment economy.

Although there were problems in some areas, the Government generally respected the human rights of its citizens. The Government stepped up its intimidation of the opposition in 1997, an election year. After the election, PAP leaders filed a number of potentially ruinous defamation suits against opposition parties and their leaders. The ruling party's continued use of the judicial system for political purposes highlights concerns about the independence of the judiciary in cases that affected members of the opposition, or that had political implications. The Government has wide powers to detain people arbitrarily and subsequently restrict their travel, freedom of speech, and right to associate freely, and to handicap political opposition. There was no evidence of a change in the Government's willingness to exercise these powers when it deemed that necessary in pursuit of its policy goals. The Government restricts freedom of speech and of the press and intimidates journalists into practicing self-censorship. The authorities have the technical capability to intrude on people's privacy and may do so in some politically sensitive cases. There is some legal discrimination against women, which affects only a small percentage of the population. The Government has moved actively to counter societal discrimination against women and minorities. While freedom of religion is generally respected, Jehovah's Witnesses have been banned since 1972 and the Unification Church since 1982.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits torture, and government leaders have stated that they oppose its use. However, there have been credible reports in past years of police mistreatment of detainees. Reliable reports indicate that police have sometimes employed sleep deprivation or interrogation of detainees in very cold rooms where the prisoners may be stripped of their clothes and doused with water. In 1993, the last year for which statistics are available, of the 94 complaints of police abuse investigated, 14 were substantiated.

The Penal Code mandates caning, in addition to imprisonment, as punishment for some 30 offenses involving the use of violence or threat of violence against a person, such as rape and robbery. The law also mandates caning for certain other offenses including vandalism, drug-trafficking, and violation of immigration laws.

Caning is discretionary for convictions on other charges involving the use of criminal force, such as kidnapping, or voluntarily causing grievous hurt. The law prescribes a maximum or minimum number of cane strokes in many of these cases, although the courts do not always abide by these guidelines. Women are exempted from caning, as are men over 50, under 16, and those determined unfit by a medical officer. In 1993, the last year for which statistics are available, the courts included a caning sentence in 3,244 cases.

Prison conditions are generally good and meet minimum international standards. Some abuses have occurred and have been reported in the press. In March 1996, for example, three prison officials pleaded

guilty to manslaughter for causing the death of a prisoner in August 1995. The Government had responded quickly to the abuse and publicly denounced all abuses of power by prison officials.

The Government does not allow human rights monitors to visit prisons.

#### d. Arbitrary Arrest, Detention, or Exile

The Internal Security Act (ISA), the Criminal Law (Temporary Provisions) Act (CLA), the Misuse of Drugs Act (MDA), and the Undesirable Publications Act all have provisions for arrest without warrant. Those arrested must be charged before a magistrate within 48 hours. At that time, those detained under criminal charges may obtain legal counsel. A functioning system of bail exists for those charged.

The ISA, the CLA, and the MDA permit detention without trial. The Government reserves the right to use indefinite detention without trial to pressure detainees to "rehabilitate" themselves as well as to make admissions of wrongdoing. In the past, the Government has acknowledged that, in the case of detentions without trial under the CLA, the indefinite nature of the detentions served to pressure the detainees. Persons alleging mistreatment under detention may bring criminal charges against government officials who are alleged to have committed such acts, but they may be discouraged from making accusations by fear of official retaliation (see Section 1.e.).

In 1989 Parliament amended the Constitution and the ISA to eliminate judicial review of the substantive grounds for detentions under the ISA and subversion laws. This permits the Government to restrict, on vaguely defined national security grounds, the scope of certain fundamental liberties that had been provided for in the Constitution.

The ISA empowers the police to detain a person for up to 48 hours. Any police officer at or above the rank of superintendent may authorize that a detainee be held for up to 28 days longer. Once initial interrogation has been completed, the authorities have generally allowed ISA detainees access to lawyers and visits by relatives.

The ISA gives broad discretion to the Minister of Home Affairs to order detention without charges if the President determines that a person poses a threat to national security. The President may authorize detention for up to 2 years; the detention order may be renewed for 2-year periods with no limitation on renewal. Although persons detained without trial under the ISA are entitled to counsel, they have no right through the courts to challenge the substantive basis for their detention. Instead, detainees may make representations to an advisory board that reviews each detainee's case periodically. The board may make nonbinding recommendations that a detainee be released prior to expiration of the detention order. If the Minister wishes to act contrary to a recommendation for release by the board, he must seek the agreement of the President.

No one has been jailed under formal ISA detention since 1990. However, the Government has maintained some restrictions on the rights of one former ISA detainee to travel abroad, make public statements, and associate freely. Chia Thye Poh, a former Member of Parliament, was released from prison in 1989 after 23 years in preventive detention under the ISA but was confined to a small island adjacent to Singapore during evening and night hours until 1992. He cannot issue public statements, attend public meetings, take part in political activity, or associate with other former detainees without ISD approval, but he was allowed to travel to Germany in the summer. Until November 1996, Chia had also been required to seek approval to be employed or travel abroad.

Persons detained without trial under the CLA are entitled to counsel but may only challenge the

substantive basis for their detention to the committee advising the Minister for Home Affairs on detention issues. The CLA is used almost exclusively in cases involving narcotics and secret criminal societies and has not been used for political purposes. According to the Government, the cumulative number of persons currently detained under the CLA as of July 1995, the last period for which statistics are available, was 570, of whom 248 were for secret society activities and 322 for drug trafficking. Under the MDA, the Director of the Central Narcotics Bureau may also commit--without trial--suspected drug users to a drug rehabilitation center for up to 6 months, with subsequent extensions, in cases of positive urinalysis tests.

The Constitution prohibits exile, and the Government respects the prohibition in practice.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but the Government restricts the independence of the judiciary in practice through its control over the assignment of judges and through laws limiting judicial review. Many judicial officials, especially Supreme Court judges, have close ties to the ruling party and its leaders. The President appoints judges to the Supreme Court on the recommendation of the Prime Minister in consultation with the Chief Justice. The President also appoints subordinate court judges on the recommendation of the Chief Justice. The term of appointment is determined by the Legal Service Commission of which the Chief Justice is the chairman. The 1989 constitutional amendments that eliminated judicial review of the objective grounds for detentions under the ISA and subversion laws allows the Government to restrict, or even eliminate, judicial review in such cases and thereby restrict, on vaguely defined national security grounds, the scope of certain fundamental liberties provided for in the Constitution.

The judicial system has two levels of courts: The Supreme Court, which includes the High Court and the Court of Appeal; and the subordinate courts. Subordinate court judges and magistrates, as well as public prosecutors, are civil servants whose specific assignments are determined by the Legal Service Commission, which can decide on job transfers to any of several legal service departments. If they wish, Supreme Court Justices remain in office until the mandatory retirement age of 65, after which they may continue to serve at the Government's discretion for brief, renewable terms at full salary. The Constitution has a provision for the Prime Minister or the Chief Justice to convene a tribunal in order to remove a justice "on the ground of misbehavior or inability...to properly discharge the functions" of office, but it has never been used.

In February 1994, completing a transition begun in 1989, Parliament approved a bill abolishing all appeals to the Privy Council in London. The Court of Appeal therefore became the highest court of review.

The judicial system provides citizens with an efficient judicial process. In normal cases the Criminal Procedures Code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the prosecution or the magistrate. Defendants enjoy a presumption of innocence and the right of appeal, in most cases. They normally have the right to be present at their trials, to be represented by an attorney, to confront witnesses against them, to provide witnesses and evidence on their own behalf, and to review government-held evidence relevant to their cases.

The Constitution extends the above rights to all citizens. However, persons detained under the CLA are not entitled to a public trial. In addition, proceedings of the advisory board under the ISA are not public (see Section 1.d.). In all remaining cases, trials are public and by judge; there are no jury trials.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government can use its wide discretionary powers under the ISA if it determines that national security is threatened. In most cases, the law requires search warrants, normally issued by the magistrate's court, for intrusion into the home. Law enforcement officers may, however, search a person, home, or property without a warrant if they decide that searches are necessary to preserve evidence. The CLA and the MDA permit warrantless searches in dealing with drug- and secret society-related offenses. The courts may undertake judicial review of such searches at the request of the defendant.

Divisions of the Government's law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Board, have wide networks for gathering information. The authorities have the capability to monitor telephone and other private conversations and conduct surveillance. It is believed that the authorities routinely monitor citizens' telephone conversations and use of the Internet. While there were no proven allegations that they did so in 1997, it is widely believed that the authorities routinely conduct surveillance on some opposition politicians and other critics of the Government